

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JOHNATHAN JOHNSON,

Plaintiff,

-v-

No. 9:14-CV-815
(DNH/ATB)

DAVID ROCK, Superintendent of Upstate Corr. Fac.;
BRIAN FISCHER, Commissioner of DOCCS;
ANTHONY CAROZZONI, Counsel Elmira Corr. Fac.;
TRUDY LYNN-BOYEA, Counselor, Upstate Corr.
Fac.; JOHN CARVILL, Classification Analyst,
DOCCS; DOUGLAS BOTFORD, Director of
Classification and Movement; THERESA
KNAPP-DAVID, Classification and Movement;
NORM BEZIO, Former Deputy Superintendent of
Security, Upstate Corr. Fac.; and LUCIEN LECLAIRE
JR., Former Deputy Commissioner of DOCCS,

Defendants.

APPEARANCES:

JOHNATHAN JOHNSON
Plaintiff Pro Se
89-A-1042
Upstate Correctional Facility
P.O. Box 2001
Malone, NY 12953

HON. ERIC T. SCHNEIDERMAN
Attorney General for the State of New York
Attorney for Defendants
The Capitol
Albany, NY 12224

DAVID N. HURD
United States District Judge

OF COUNSEL:

DAVID J. SLEIGHT, ESQ.
Ass't Attorney General

DECISION and ORDER

Pro se plaintiff Johnathan Johnson brought this civil rights action pursuant to 42 U.S.C. § 1983. On December 3, 2014, the Honorable Andrew T. Baxter, United States Magistrate Judge, advised by Report-Recommendation that defendants' motion to dismiss be granted and the complaint be dismissed in its entirety as to all defendants with prejudice. He further recommended that defendants' motion for sanctions and plaintiff's motion for sanctions be denied. Plaintiff timely filed objections to the Report-Recommendation. Defendants responded to plaintiff's objections and seek reconsideration of one portion of the Report-Recommendation.

Based upon a de novo review of the portions of the Report-Recommendation to which the parties objected, the Report-Recommendation is accepted and adopted in all respects.

See 28 U.S.C. § 636(b)(1).

Therefore, it is

ORDERED that

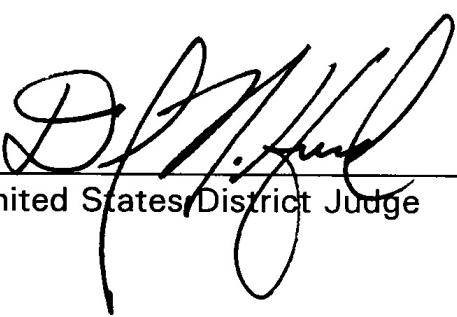
1. Defendants' motion to dismiss is GRANTED and the complaint is DISMISSED in its entirety as to all defendants with PREJUDICE;

2. Defendants' motion for sanctions and plaintiff's motion for sanctions are DENIED; and

3. The Clerk is directed to enter Judgment accordingly, serve a copy of this Decision and Order upon plaintiff in accordance with the Local Rules and close the file.

IT IS SO ORDERED.

Dated: December 31, 2014
Utica, New York.



United States District Judge